

REMARKS

Status of the Claims

Claims 8-25 are pending and under consideration in the application. Claim 8 is amended and claims 10 and 18-25 are cancelled without prejudice as indicated in the Response to Final Office Action filed October 5, 2006. Claim 8 is further amended herein at steps (d), (e), and (m). Support for the additional amendments to claim 8 can be found throughout the specification, e.g., at page 6, lines 7-23 and page 15, line 11 to page 16, line 7. None of the amendments made herein add new matter.

After entry of the amendments, claims 8, 9, and 11-17 will be pending and under consideration.

Allowability of Claims

At page 2 of the Advisory Action, the rejections of claims 11-17 and 19-25 under 35 U.S.C. § 112, first paragraph (written description) have been withdrawn.

Furthermore, the Advisory Action states that “[i]f entered, applicants proposed after final amendment[s] would be sufficient to overcome the basis of the instant rejection[s]” under 35 U.S.C. § 112, first paragraph (enablement) and 35 U.S.C. § 112, second paragraph (indefiniteness) (underlining added). Applicants respectfully request that the Examiner enter the amendments set forth in the Response to Final Office Action filed October 5, 2006.

Rejections Under 35 U.S.C. § 112, first paragraph (Written Description)

At page 2 of the Advisory Action, the rejections of claims 11-17 and 19-25 under 35 U.S.C. § 112, first paragraph as set forth in the Final Office Action dated July 11, 2006 were withdrawn.

Rejections Under 35 U.S.C. § 112, first paragraph (Enablement)

At page 2 of the Advisory Action, claims 8-25 stand rejected under 35 U.S.C. § 112, first paragraph as set forth in the Final Office Action dated July 11, 2006.

However, as discussed supra, the Advisory Action states that “[i]f entered, applicants proposed after final amendment would be sufficient to overcome the basis of the instant rejection.”

Claims 10 and 18-25 have been cancelled thereby obviating their rejection. Applicants respectfully request that the Examiner enter the amendments set forth in the Response to Final Office Action (see above) and withdraw the rejections of claims 8, 9, and 11-17.

Rejections Under 35 U.S.C. § 112, second paragraph (Indefiniteness)

At page 2 of the Advisory Action, claims 8-25 stand rejected under 35 U.S.C. § 112, second paragraph as set forth in the Final Office Action dated July 11, 2006.

However, the Advisory action states that “[i]f entered, applicants proposed after final amendment would be sufficient to overcome the basis of the instant rejection.”

Since claims 10 and 18-25 have been cancelled, their rejection is rendered moot. Applicants respectfully request that the Examiner enter the amendments to claim 8 as set forth in the Response to Final Office Action (see above).

The Advisory Action further alleges that

[d]ue to the plurality of different first and second sequences, as well as the identification of an intervening region of nucleotides between the initial set of first and second sequences (as set forth in steps (a) and (b), the antecedent basis for limitations drawn to a “first sequence”, a “second sequence”, “one or more regions”, and “a region” as recited in steps (i) through (j) are unclear (Advisory Action, page 2, lines 17-19).

Although applicants disagree with the above characterizations, in the interest of expediting prosecution of this application, claim 8 has been further amended as indicated below.

Steps (d) and (e) of claim 8 are amended to recite:

(d) when complementarity is found in step (c), extending the lengths of each of the first and second sequences by one nucleotide resulting in intermediate first and intermediate second sequences, wherein the one nucleotide on the intermediate first sequence and the one nucleotide on the intermediate second sequence are the corresponding nucleotides checked for complementarity in step (c);

(e) repeating steps (c) and (d) in both directions of the intermediate first and intermediate second sequences until complementarity is not found.

While applicants respectfully submit that the limitations of "one or more regions" and "a region" are not unclear for the reasons of record (see pages 9-10 of the Response to Final Office Action filed October 5, 2006), step (m) of claim 8 is also amended to recite:

"(m) designing one or more antisense oligonucleotides, wherein each antisense oligonucleotide is complementary to one of the one or more regions selected in step (l)."

In view of all of the above amendments and remarks, applicants respectfully submit that the claims amply meet the definiteness requirement of 35 U.S.C. § 112, second paragraph and request that the Examiner withdraw the rejections of pending claims 8, 9, and 11-17.

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Page : 9 of 9

Attorney's Docket No.: 13797-002002 / PH-393US-
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CONCLUSION

In summary, for the reasons set forth above, applicants maintain that the pending claims patentably define the invention. Applicants request that the Examiner reconsider the rejections as set forth in the Advisory Action, and permit the pending claims to pass to allowance.

If the Examiner would like to discuss any of the issues raised in the Office Action, the applicants undersigned representative can be reached at the telephone number provided below.

Please apply any other charges or credits to deposit account 06-1050, referencing
Attorney Docket No. 13797-002002.

Respectfully submitted,

Date: 6/10/06



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